

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 88

Introduced by Pahls, 31.

Read first time January 8, 2009

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to banking; to amend section 8-113, Reissue
2 Revised Statutes of Nebraska; to change provisions
3 relating to the unauthorized use of the word bank; to
4 repeal the original section; and to declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 8-113, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 8-113 No individual, firm, company, corporation, or
4 association doing business in the State of Nebraska, unless
5 organized as a bank under the Nebraska Banking Act or the
6 authority of the federal government, or as a building and loan
7 association, savings and loan association, or savings bank under
8 Chapter 8, article 3, or the authority of the federal government,
9 shall use the word bank or any derivative thereof as any part of
10 a title or description of any business activity. This section does
11 not apply to: (1) Banks, building and loan associations, savings
12 and loan associations, or savings banks chartered and supervised
13 by a foreign state agency; (2) bank holding companies registered
14 pursuant to section 8-913 if the term holding company is also used
15 as any part of the title or description of any business activity
16 or if the derivative banc is used; (3) affiliates or subsidiaries
17 of (a) a bank organized under the Nebraska Banking Act or the
18 authority of the federal government or chartered and supervised
19 by a foreign state agency, (b) a building and loan association,
20 savings and loan association, or savings bank organized under
21 Chapter 8, article 3, or the authority of the federal government
22 or chartered and supervised by a foreign state agency, or (c) a
23 bank holding company registered pursuant to section 8-913 if the
24 term holding company is also used as any part of the title or
25 description of any business activity or if the derivative banc is

1 used; (4) organizations substantially owned by (a) a bank organized
2 under the Nebraska Banking Act or the authority of the federal
3 government or chartered and supervised by a foreign state agency,
4 (b) a building and loan association, savings and loan association,
5 or savings bank organized under Chapter 8, article 3, or the
6 authority of the federal government or chartered and supervised
7 by a foreign state agency, (c) a bank holding company registered
8 pursuant to section 8-913 if the term holding company is also used
9 as any part of the title or description of any business activity or
10 if the derivative bank is used, or (d) any combination of entities
11 listed in subdivisions (a) through (c) of this subdivision; (5)
12 mortgage bankers licensed or registered under the Mortgage Bankers
13 Registration and Licensing Act, if the word mortgage immediately
14 precedes the word bank or its derivative; (6) organizations
15 described in section 501(c)(3) of the Internal Revenue Code as
16 defined in section 49-801.01 and exempt from taxation under section
17 501(a) of the code that (a) solicit, collect, purchase, and store
18 food from third parties for distribution to individuals and to
19 nonprofit food assistance programs that provide food to the hungry
20 or (b) collect blood or blood components from donors for storage
21 and preservation for subsequent use in blood transfusions or to
22 be made into other products; (7) trade associations which are
23 exempt from taxation under section 501(c)(6) of the code which
24 represent a segment of the banking or savings and loan industries,
25 and any affiliate or subsidiary thereof; and (8) such other firms,

1 companies, corporations, or associations as have been in existence
2 and doing business prior to December 1, 1975, under a name composed
3 in part of the word bank or some derivative thereof. Any violation
4 of this section shall be a Class V misdemeanor.

5 Sec. 2. Original section 8-113, Reissue Revised Statutes
6 of Nebraska, is repealed.

7 Sec. 3. Since an emergency exists, this act takes effect
8 when passed and approved according to law.